

AF 11636  
ZWW

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Revised under 37 CFR §1.116 - Expedited Procedure - Technology Center 1600**

**In re application of:** Emerson**Application No.** 09/781,592**Filed:** February 12, 2001**Confirmation No.** 1304**For:** METHOD OF REGULATING  
TRANSCRIPTION IN A CELL**Examiner:** Maria Marvich, Ph.D.**Art Unit:** 1636**Attorney Reference No.** 7158-71254-03**CERTIFICATE OF MAILING**

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP AF, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Name: Dawn SundmDate Mailed November 28, 2005

MAIL STOP AF  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**TRANSMITTAL LETTER**

Enclosed is an Amendment and Response to Final Office Action ("Amendment") for filing in the above-referenced application.

It is believed that no fee is required in connection with this filing, as shown below:

CLAIMS AS AMENDED					
For	No. after amendment	No. paid for previously	Present Extra	Rate	Fee
Total Claims	36	- 69*	= 0	\$25.00	\$ 0.00
Indep. Claims	2	- 4**	= 0	\$100.00	\$ 0.00
Mult. Dep. Claims Fee (if not previously paid)					\$180.00
One-month Extension of Time					\$60.00
Two-month Extension of Time					\$225.00
Three-month Extension of Time					\$510.00
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>					<b>\$0.00</b>

\* greater of twenty or number for which fee has been paid.

\*\* greater of three or number for which fee has been paid.

Please charge any fees that may be required in connection with filing this Amendment (including, without limitation, any extension fee, excess page charge, or excess claim charge) to Deposit Account No. 02-4550. A copy of this sheet is enclosed.

Please return the enclosed postcard to confirm that the items listed above have been received.

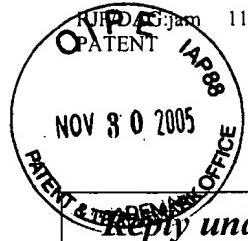
Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By Debra Gordon  
Debra A. Gordon, Ph.D.  
Registration No. 54,128

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 595-5300  
Facsimile: (503) 228-9446

cc: Docketing



11/28/05 455512 S00004A

Attorney Reference Number 7158-71254-03  
Application Number 09/781,592

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Reply under 37 CFR §1.116 - Expedited Procedure - Technology Center 1600**

**In re application of:** Emerson

**Application No.** 09/781,592

**Filed:** February 12, 2001

**Confirmation No.** 1304

**For:** METHOD OF REGULATING  
TRANSCRIPTION IN A CELL

**Examiner:** Maria Marvich, Ph.D.

**Art Unit:** 1636

**Attorney Reference No.** 7158-71254-03

**CERTIFICATE OF MAILING**

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP AF, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Name: Debra Andra

Date Mailed November 28, 2005

MAIL STOP AF  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**AMENDMENT AND RESPONSE TO FINAL OFFICE ACTION**

This Amendment and Response to Final Office Action (“Amendment”) is filed in response to the final Office action, dated October 5, 2005. A three-month period for reply was set; therefore, a response (without extension fee payment) is due on or before January 5, 2006. This Amendment is filed within two months of the mailing date of the Office Action (*i.e.*, by December 5, 2005) and, therefore, receives the potential benefit described on page 7 of the Office Action. It is believed that no fees are required in connection with this filing; however, the Commissioner is authorized to charge any fees that may be required to the deposit account referenced on the accompanying transmittal letter.

Please amend the claims as set forth beginning on page 2.

Remarks begin on page 8 of this Amendment.